

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

LP MATTHEWS, L.L.C.)	
)	
Plaintiff,)	
)	C.A. No. 04-1507-SLR
v.)	
)	
BATH & BODY WORKS, INC.; LIMITED)	
BRANDS, INC.; KAO BRANDS CO.)	
(f/k/a THE ANDREW JERGENS)	
COMPANY); and KAO CORPORATION)	
)	
Defendants.)	

**OBJECTIONS TO DEFENDANT BATH & BODY WORKS, INC.'S
NOTICE OF DEPOSITION OF TIMOTHY J. MARTIN**

Non-party Timothy J. Martin and plaintiff LP Matthews, L.L.C. object to defendant Bath & Body Works, Inc.'s January 6, 2006 Notice of Deposition under Fed. R. Civ. P. 30 (D.I. 173). Mr. Martin is not a party to this action. Nor is he an officer of plaintiff LP Matthews. Accordingly, he cannot be deposed pursuant to Rule 30 alone. Mr. Martin has not yet been served in connection with this matter.

Timothy Martin further objects to cumulative or duplicative examination. Plaintiff LP Matthews similarly objects to cumulative or duplicative examination, particularly since the defendants have made similar (though incomplete and unsubstantiated) invalidity contentions. Both Timothy Martin and LP Matthews note that the defendants have not attempted in advance to coordinate their subpoenas of non-party witnesses, though they have intimated an intent to "coordinate" depositions of non-parties that they have served with multiple subpoenas.

ASHBY & GEDDES

/s/ Lauren E. Maguire

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Dated: January 12, 2006
165567.1

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2006, the attached **OBJECTIONS TO DEFENDANT BATH & BODY WORKS, INC.'S NOTICE OF DEPOSITION OF TIMOTHY J. MARTIN** was served upon the below-named counsel of record at the address and in the manner indicated:

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